

Kerala Gazette No. 15 dated 18th September 2012.

PART I

Section i



GOVERNMENT OF KERALA

Law (Leg-Publication) Department

NOTIFICATION

No. 17196/Leg.Pbn.4/2012/Law. *Dated Thiruvananthapuram, 4th September 2012.*

The following Ordinance promulgated by the President of India and published in the Gazette of India Extraordinary, Part II, Section I dated the 17th day of July, 2012 is hereby republished for general information.

By order of the Governor,

C. P. RAMARAJA PREMA PRASAD,
Law Secretary.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 16th July, 2012/Asadha 25, 1934 (Saka).

THE ALL-INDIA INSTITUTE OF MEDICAL SCIENCES (AMENDMENT)
ORDINANCE, 2012
(No. 1 OF 2012)

Promulgated by the President in the Sixty-third Year of the Republic of India.

AN

ORDINANCE

further to amend the All-India Institute of Medical Sciences Act, 1956.

WHEREAS, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012.

(2) It shall come into force at once.

2. *Amendment of long title.*—In the All-India Institute of Medical Sciences Act, 1956 (25 of 1956) (hereinafter referred to as the principal Act), in the long title, for the words “an All-India Institute of Medical Sciences”, the words “All-India Institutes of Medical Sciences” shall be substituted.

3. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (1), for the words “All-India Institute of Medical Sciences”, the words “All-India Institutes of Medical Sciences” shall be substituted.

4. *Amendment of section 2.*—In section 2 of the principal Act, —

(A) for clause (a), the following clauses shall be substituted, namely:—

‘(a) “corresponding Institute” means the Institutes referred to in column (3) of the Table given under section 27 A;

(aa) “existing Institute” means the All-India Institute of Medical Sciences,—

(i) established under sub-section (1) of section 3, before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012; and

(ii) located at New Delhi, as required under section 12 as it stood before such commencement;

(ab) “Fund” means the Fund of the Institute referred to in section 16;’;

(B) in clause (c), after the words and figure “under section 3”, the words, brackets and figures “and includes the corresponding Institutes and other Institutes which may be established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012” shall be inserted;

(C) after clause (f), the following clause shall be inserted at the end, namely:—

‘(g) “society” means the society referred to in column (2) of the Table given under section 27A.’.

5. *Amendment of section 3.*—In section 3 of the principal Act, —

(a) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the Central Government may, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, establish by notification in the Official Gazette, such other All-India Institutes of Medical Sciences at such places as it may specify in the said notification in addition to the existing Institute and the corresponding Institutes.”;

(b) in sub-section (2), for the words “The Institute”, the words “Every Institute” shall be substituted.

6. *Amendment of section 4.*—In section 4 of the principal Act, —

(i) in the opening portion, for the words “The Institute”, the words “Every Institute” shall be substituted ;

(ii) for clause (a), the following clauses shall be substituted, namely:—

“(a) in the case of existing Institute, the Vice-Chancellor or the Delhi University, *ex officio*;

(aa) in the case of every other Institute established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, the Vice-Chancellor of a University situated in a State in which such Institute has been established after such commencement and such Vice-Chancellor shall be nominated by the Central Government;”.

7. *Substitution of new section for section 5.*—For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. *Declaration of Institutes as institution of national importance.*—

(1) It is hereby declared that the existing Institute declared as an institution of national importance, before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, under section 5 as it stood before such commencement, shall continue to be an institution of national importance.

(2) It is hereby declared that every corresponding Institute shall be an institution of national importance.

(3) It is hereby declared that every Institute established under the proviso to sub-section (1) of section 3, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, shall be an institution of national importance.”.

8. *Amendment of section 7.*—In section 7 of the principal Act, in sub-section (1),—

(a) for the words “President of the Institute”, the words “President for every Institute” shall be substituted;

(b) the following proviso shall be inserted, namely:—

“Provided that the President of the existing Institute shall also be the President of every corresponding Institute and other Institutes established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, till such date the Central Government nominates a separate President for every corresponding Institute and other Institutes established after such commencement.”.

9. *Amendment of section 8.*—In section 8 of the principal Act,—

(a) for the words “from the Institute”, the words “from the Institute of which they are the President and members” shall be substituted;

(b) the following proviso shall be inserted, namely:—

“Provided that in case a person is a President of two or more Institutes, the allowances shall be borne by the Institutes in such proportion as may be prescribed by rules.”.

10. *Amendment of section 9.*—In section 9 of the principal Act,—

(a) for the words “The Institute shall”, the words “Every Institute shall” shall be substituted;

(b) for the words “the Institute shall meet”, the words “every Institute shall meet” shall be substituted;

(c) the following proviso shall be inserted, namely:—

“Provided that the provisions relating to holding of the first meeting shall not apply to the existing Institute.”.

11. *Amendment of section 10.*—In section 10 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “a Governing Body of the Institute which shall be constituted by the Institute”, the words “separate Governing Body for every Institute which shall be constituted by such Institute” shall be substituted;

(ii) the following proviso shall be inserted, namely:—

“Provided that the Governing Body of the existing Institute, constituted before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, shall be deemed to have been constituted under this section.”;

(b) in sub-sections (2) and (3), for the words “the Institute”, the words “every Institute” shall be substituted;

(c) in sub-section (5),—

(i) for the words “the Institute may constitute”, the words “every Institute may constitute” shall be substituted;

(ii) for the words “functions of the Institute”, the words “functions of such Institute” shall be substituted;

(d) in sub-section (6),—

(i) for the words “members of the Institute; but an *ad hoc* committee may include persons who are not members of the Institute”, the words “members of every Institute; but an *ad hoc* committee may include persons who are not members of such Institute” shall be substituted;

(ii) the following proviso shall be inserted, namely:—

“Provided that the Standing Committee of the existing Institute constituted, before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, shall be deemed to have been constituted under this section.”.

12. *Amendment of section 11.*—In section 11 of the principal Act, in sub-section (1),—

(a) for the words “chief executive officer of the Institute”, the words “chief executive officer of every Institute” shall be substituted;

(b) for the words “Director of the Institute”, the words “Director of such Institute” shall be substituted;

(c) for the proviso, the following proviso shall be substituted, namely:—

“Provided that the first Director of every Institute (other than the existing Institute), established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, shall be appointed by the Central Government:

Provided further that in case a Director of a society has been appointed by the Central Government before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, such Director shall be deemed to be the first Director of the concerned corresponding Institute.”;

13. *Substitution of new section for section 12.*—For section 12 of the principal Act, the following section shall be substituted, namely:—

“12. *Location of Institutes.*—(1) The existing Institute shall be located at New Delhi.

(2) All corresponding Institutes shall be located at the places mentioned in column (3) of the Table given under section 27A.

(3) All Institutes [other than the existing Institute and corresponding Institutes referred to in sub-sections (1) and (2)] shall be located at such places as the Central Government may, by notification in the Official Gazette, specify.”.

14. *Amendment of section 13.*—In section 13 of the principal Act, in the opening portion, for the words “the Institute”, the words “every Institute” shall be substituted.

15. *Amendment of section 14.*—In section 14 of the principal Act, in the opening portion, for the words “the Institute”, the words “every Institute” shall be substituted.

16. *Amendment of section 15.*—In section 15 of the principal Act, for the words “the Institute”, the words “every Institute” shall be substituted.

17. *Amendment of section 16.*—In section 16 of the principal Act, in sub-section (1),—

(i) for the words “The Institute”, the words “Every Institute” shall be substituted;

(ii) after clause (d), the following proviso shall be inserted, namely:—

“Provided that the Fund maintained by the existing Institute and the society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, shall be deemed to be the Fund maintained under this section.”.

18. *Amendment of section 17.*—In section 17 of the principal Act,—

(a) for the words “The Institute shall prepare”, the words “Every Institute shall prepare” shall be substituted;

(b) for the words “expenditure of the Institute”, the words “expenditure of the concerned Institute” shall be substituted.

19. *Amendment of sections 18 and 19.*—In sections 18 and 19 of the principal Act, for the words “The Institute” and “the Institute”, wherever they occur, the words “Every Institute” and “every Institute” shall, respectively, be substituted.

20. *Amendment of section 20.*—In section 20 of the principal Act, in sub-section (1),—

(a) for the words “The Institute”, the words “Every Institute” shall be substituted;

(b) the following proviso shall be inserted, namely:—

“Provided that the pension and provident fund constituted by the existing Institute or society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, shall be deemed to be the pension and provident fund under this section.”.

21. *Amendment of section 21.*—In section 21 of the principal Act,—

(a) for the words “decisions of the Institute”, the words “decisions of every Institute” shall be substituted;

(b) for the words “officer of the Institute”, the words “officer of every Institute” shall be substituted.

22. *Amendment of sections 22, 23, 24, 25 and 27.*— In sections 22, 23, 24, 25 and 27 of the principal Act, for the words “The Institute” and “the Institute”, wherever they occur, the words “Every Institute” and “every Institute” shall, respectively, be substituted.

23. *Insertion of new sections 27A, 27B, 27C and 27D.*—After section 27 of the principal Act, the following sections shall be inserted, namely:—

“27 A. *Incorporation of Institute registered as society under the Societies Registration Act, 1860.*— Each of the Institute, registered as society under the Societies Registration Act, 1860 (21 of 1860) and mentioned in column (2) of the Table below shall be a body corporate having perpetual succession and common seal and shall by its name mentioned in column (3) of that Table, sue and be sued:

TABLE

List of societies incorporated as All-India Institutes of Medical Sciences

<i>Serial Number</i>	<i>Society</i>	<i>Corresponding Institute and place of its location</i>
(1)	(2)	(3)
1	All India Institute of Medical Sciences, Bhopal	All-India Institute of Medical Sciences, Bhopal (Madhya Pradesh).
2	All India Institute of Medical Sciences, Bhubaneswar	All-India Institute of Medical Sciences, Bhubaneswar (Odisha)
3	All India Institute of Medical Sciences, Jodhpur	All-India Institute of Medical Sciences, Jodhpur (Rajasthan)
4	All India Institute of Medical Sciences, Patna	All-India Institute of Medical Sciences, Patna (Bihar)
5	All India Institute of Medical Sciences, Raipur	All-India Institute of Medical Sciences, Raipur (Chhattisgarh)
6	All India Institute of Medical Sciences, Rishikesh	All-India Institute of Medical Sciences, Rishikesh (Uttarakhand)

27 B. *Effect of incorporation of Institutes.*—(1) On and after the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012,—

(a) any reference to a society in any law, other than this Act, or in any contract or other instrument, shall be deemed as a reference to the corresponding Institute ;

(b) all property, movable and immovable, of or belonging to a society shall vest in the corresponding Institute ;

(c) all the rights and liabilities of a society shall be transferred to, and be the rights and liabilities of, the corresponding Institute ;

(d) subject to the provisions of this Act, every person (including Director, officers and other employees) who is employed in the society, immediately before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, shall, on and after such commencement, become an employee of the corresponding Institute and

shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, as if the said Ordinance had not been promulgated, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations :

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government ;

(e) the governing body of every society, shall, from the date of constitution of the Governing Body under sub-section (1) of section 10, stand dissolved and no chairperson or other person shall be entitled to any compensation for the premature termination of the term of his office or of any contract of service ;

(f) all committees (including Standing Committee, if any) of the society shall stand dissolved ;

(g) any examination conducted by the existing Institute for admission of candidates for award of medical degrees and diplomas by such society shall be valid examination and be deemed to have been conducted by the corresponding Institute.

(2) Notwithstanding anything in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, absorption of any employee by the corresponding Institutes in its regular service under this section shall not entitle such employee to any compensation under this Act or any other law and no such claim shall be entertained by any court, tribunal or other authority.

27 C. Provisions of this Act to apply to societies incorporated into All-India Institutes of medical Sciences under section 27 A.—All provisions of this Act shall, *mutatis mutandis*, apply to the societies, referred to in column (2) of the Table given under section 27A, incorporated into All-India Institutes of Medical Sciences referred to in column (3) of the said Table.

27D. Power to make transitory provisions for Institutes (other than existing Institute).—(1) The Central Government may, if it is of the opinion that certain measures are required for speedy and effective functioning of corresponding Institutes (other than the existing Institute), by notification in the Official Gazette, specify such measures as it may consider necessary for the smooth and effective functioning of such Institutes :

Provided that no such notification shall be issued under this section, after the expiry of a period of two years from the date of commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012.

(2) Every notification issued under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”.

24. *Amendment of section 28.*—In section 28 of the principal Act,—

(a) in sub-section (1), for the words “the Institute”, the words “all the Institutes” shall be substituted ; .

(b) in sub-section (2),—

(i) for the words “the Institute”, wherever they occur, the words “every Institute” shall be substituted ;

(ii) after clause (a), the following clause shall be inserted, namely:—

“(aa) the proportion of allowances of the President to be borne by the Institutes under the proviso to section 8;”.

25. *Amendment of section 29.*—In section 29 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening portion, for the words “The Institute”, the words “Every Institute” shall be substituted ;

(ii) after clause (n), the following proviso shall be inserted, namely :—

“Provided that the regulations made by the existing Institute, before the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, shall continue to be the regulations made under this section until such regulations are amended or rescinded by the existing Institute in accordance with the provisions of this section.”;

(b) in sub-section (2), the following proviso shall be inserted, namely :—

“Provided that every corresponding Institute shall, within three months of the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, make regulations.”.

PRATIBHA DEVI SINGH PATIL,

President.

CORRIGENDA

In the Protection of Children from Sexual Offences Act, 2012 (No. 32 of 2012), as published in the Gazette of India, Extraordinary, Part II, Section 1, as issue No. 34 dated 20 June 2012,—

(i) on page 4, line 3, for ‘clause (b)’, read ‘clause (l)’;

(ii) on page 7, line 42, *for* ‘Whoever employ’, *read* ‘whoever employs’.
